

has determined that certain lands will not be needed in connection with the flood control facilities and has cancelled its application for those lands. The lands are described as follows:

Mount Diablo Meridian

T. 22 S., R. 60 E.,

Sec. 8, E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and
E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 17, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,
E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, and
W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 18, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$,
E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$,
E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, and
W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

The lands described aggregate 317.50 acres in Clark County.

At 9 a.m. on January 16, 1996 the lands will be opened to the operation of the public land laws generally, subject to valid existing rights, the provision of existing withdrawals, other segregation of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on January 16, 1996, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

At 9 a.m. on January 16, 1996 the lands will be opened to location and entry under the United States mining laws, subject to valid existing rights, the provision of existing withdrawals, other segregation of record, and the requirements of applicable law. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: December 1, 1995

William K. Stowers

Lands Team Lead.

[FR Doc. 95-30539 Filed 12-14-95; 8:45 am]

BILLING CODE 4310-HC-P

Fish and Wildlife Service

Endangered and Threatened Species Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that Region 1 of the U.S. Fish and Wildlife Service has issued the following permits, between April 1, 1995 and September 30, 1995, for incidental take of threatened or endangered species from applications duly received according to section 10 of the Endangered Species Act of 1973, as amended (Act). Each permit listed as issued was granted only after it was determined to be applied for in good faith, and that it was consistent with the Act and applicable regulations.

Name	Permit No.	Issuance date
Fieldstone/La Costa Associates and City of Carlsbad	795759	6/7/95
City of Waterford, CA. ..	801047	6/9/95
Murray Pacific Corporation	777837	6/26/95
Clark County; Cities of Las Vegas North Las Vegas, Henderson, Boulder City, and Mesquite, NV.; Nevada Department of Transportation	801045	7/11/95
Estate of Edward V. Regli	803749	8/30/95
Nevada Division of State Parks	804120	9/1/95

FOR FURTHER INFORMATION CONTACT:

Chief, Division of Consultation and Conservation Planning, U.S. Fish and Wildlife Service, 911 NE 11th Avenue, Portland, Oregon 97232-4181 (503-231-6241). Please refer to the permit number listed above when requesting information.

Dated: December 8, 1995.

Thomas J. Dwyer,

Deputy Regional Director, Region 1 Portland, Oregon.

[FR Doc. 95-30567 Filed 12-14-95; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

Availability of a Draft Environmental Impact Statement/Environmental Impact Report and Receipt of Applications for Incidental Take Permits Associated With a Natural Community Conservation Plan/Habitat Conservation Plan for the Central and Coastal Subregion, Orange County, California

AGENCY: Fish and Wildlife, Interior.

ACTION: Notice of availability.

SUMMARY: Orange County (lead applicant), the University of California at Irvine, the Transportation Corridor Agency, Metropolitan Water District, Santiago County Water District, Irvine Ranch Water District, The Irvine Company, Chandis-Sherman Companies, and Southern California Edison each have applied to the Fish and Wildlife Service (Service) for 75-year incidental take permits pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). In addition, the Service anticipates that the cities of Anaheim, Costa Mesa, Irvine, Laguna Beach, Laguna Niguel, Lake Forest, Newport Beach, Orange, and Tustin also will apply for individual permits. This notice advises the public that the application package for these related permits is available for public review. The package includes a Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) for the Central and Coastal Subregion of Orange County, a draft Implementing Agreement (IA), and a draft joint programmatic Environmental Impact Statement/Environmental Impact Report (EIS/EIR).

The proposed incidental take would occur due to habitat loss resulting from residential, commercial, and recreational developments with associated infrastructure. The proposed permits would authorize the incidental take of the threatened coastal California gnatcatcher (*Poliophtila californica californica*) and endangered peregrine falcon (*Falco peregrinus*). Under special conditions, incidental take also would be authorized for the endangered Riverside fairy shrimp (*Streptocephalus woottoni*), southwestern arroyo toad (*Bufo microscaphus californicus*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and Pacific pocket mouse (*Perognathus longimembris pacificus*).

The permit applicants also request coverage of an additional 35 unlisted

species (9 plant, 26 animal), including 3 proposed species that occur within the NCCP/HCP area. The NCCP/HCP proposes to conserve all 35 species according to standards required for listed species under the Act. Unlisted covered species would be named on the permits with delayed effective dates. Barring unforeseen circumstances, incidental take of the unlisted covered species would be authorized upon their listing under the Act. Concurrent with the proposed issuance of the Federal permits, the California Department of Fish and Game proposes to issue management authorizations for the 42 species under section 2081 of the California Endangered Species Act.

Although the NCCP has focused on coastal sage scrub (CSS) habitat, in keeping with the legislative intent of the California NCCP Act of 1991 to protect multiple habitat types, the applicants propose to protect 4 additional habitat types to the extent that no additional mitigation or compensation would be required of participating landowners should any species dependent on these habitats be listed during the 75-year permit. These habitat types are: oak woodlands, Tecate cypress forest, cliff and rock, and chaparral (coastal subarea only). Should any species dependent on these habitats be listed, the 10(a)(1)(B) permits would become effective as described above.

Federal approval of the NCCP/HCP is required as part of the special 4(d) rule for the coastal California gnatcatcher (58 FR 65088). Incidental take of the gnatcatcher is allowed under section 4(d) of the Act if take results from activities conducted pursuant to the NCCP Act, NCCP Process Guidelines, and NCCP Southern California Coastal Sage Scrub Conservation Guidelines.

An EIS/EIR has been prepared in order for the Service to comply with the National Environmental Policy Act (NEPA) and for the County and cities to comply with the California Environmental Quality Act (CEQA). The EIS/EIR evaluates the effects on the human environment of the proposed action: issuance of incidental take permits and management authorizations, and approval of the NCCP/HCP and IA. This notice is provided pursuant to section 10(c) of the Act and NEPA regulations (40 CFR 1506.6).

Comments are requested on the NCCP/HCP, IA, and EIS/EIR. All comments received, including names and addresses, will become part of the administrative record and may be made available to the public.

DATES: Written comments on the permit application and EIS/EIR should be received on or before January 29, 1996.

ADDRESSES: Comments should be addressed to Mr. Gail C. Kobetich, Field Supervisor, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008; facsimile 619-431-9618.

FOR FURTHER INFORMATION CONTACT: Ms. Linda R. Dawes, Ph.D., Fish and Wildlife Biologist, at the above address (619-431-9440), or Mr. Tim Neely, Planning and Zoning Administrator, Orange County Environmental Management Agency (714-834-2252).

SUPPLEMENTARY INFORMATION:

Availability of Documents

Individuals wishing copies of the application and EIS/EIR for review should immediately call Dr. Dawes or Mr. Neely at the above telephone numbers. These documents will be available for public inspection at local libraries and at the above offices, by appointment, during normal business hours. Please call Mr. Neely for a list of libraries housing the documents.

Background

The "take" of threatened and endangered species is prohibited under section 9 of the Act and its implementing regulations. Take is defined, in part, as killing, harming, or harassing listed species, including significant habitat modification that results in death of or injury to listed species. Under limited circumstances, the Service may issue permits to take listed species if such taking is incidental to otherwise lawful activities. Regulations governing permits are found at Title 50 Code of Federal Regulations 17.22 and 17.32.

The NCCP/HCP subregional planning area covers 208,000 acres, with 104,000 acres remaining as natural lands which are subject to intense development pressure. Exclusive of the Cleveland National Forest, the subregion contains 30,833 acres of CSS supporting approximately 600 pairs of California gnatcatchers. The NCCP/HCP proposes the conversion of 7,395 acres (24%) of CSS habitat which could result in incidental take of approximately 109 pairs of California gnatcatchers by participating landowners. This level of take is considered fully mitigated by the NCCP/HCP. Twenty additional pairs of gnatcatchers potentially may be taken by non-participating landowners. These landowners would have the option of paying a mitigation fee, or undertaking an individual HCP or Section 7 consultation under the Act.

As mitigation for the proposed incidental take, the applicants propose the establishment of a 38,738-acre reserve, including 12 of 13 major vegetative communities present within the subregion. The reserve would contain more than 18,800 acres of CSS, 7,300 acres of chaparral, 6,100 acres of grasslands, 1,800 acres of riparian habitat, 950 acres of woodland, and 200 acres of forest. The NCCP/HCP contains a comprehensive management plan including, but not limited to, fire management, grazing management, management of recreation and public access, and habitat restoration. The foregoing actions would be funded through the creation by participating landowners of an endowment in excess of \$10.6 million, and by mitigation fees contributed by non-participating landowners who elect to use this option rather than pursue an individual HCP. Additionally, to supplement the reserve, 3,990 acres would be designated as either special linkage or existing use areas and 3,960 acres would remain as public open space. The application also proposes planning guidelines for the North Ranch area which are protective of the reserve and subregional biodiversity.

Incidental take of other listed species which potentially occur within the subregion would be subject to conditions specific for each species. In general, minor occurrences would be mitigated by habitat enhancement or restoration within the reserve. Occurrences which represent significant conservation value would be handled on a case-by-case basis. No take would be authorized in the North Ranch policy plan area. Specific provisions for the pocket mouse include the creation of a temporary 22-acre reserve on the Dana Point headlands and \$700,000 to study alternative conservation measures.

In compliance with NEPA, the EIS/EIR examines the environmental impacts of issuing the proposed incidental take permit and the effects of implementing the proposed habitat conservation plan and alternative conservation plans. Although dozens of alternative conservation configurations and mechanisms were considered, the EIS/EIR analyzes 4 alternatives in detail, including the proposed action.

All individuals and agencies are urged to comment on the EIS/EIR, NCCP/HCP, and IA. All comments received by the closing date will be considered in finalizing NEPA compliance and permit issuance or denial.

Dated: December 6, 1995.

Thomas J. Dwyer,

Deputy Regional Director, Region 1 Portland, Oregon.

[FR Doc. 95-30350 Filed 12-14-95; 8:45 am]

BILLING CODE 4310-55-P

INTERSTATE COMMERCE COMMISSION

Notice of Intent to Engage in Compensated Intercompany Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercompany hauling operations as authorized in 49 U.S.C. 10524(b).

1. The parent corporation and principal office is: ARR-MAZ PRODUCTS, L.P., 621 Snively Avenue, Winter Haven, FL 33880, 941-293-7884.

2. The wholly owned subsidiary which will participate in the operation is: AMP Trucking, Inc., 1001 American Superior Blvd., Winter Haven, FL 33880, 941-293-7884.

States of Incorporation are: Delaware, Florida, Louisiana, North Carolina.

Vernon A. Williams,

Secretary.

FR Doc. 95-30560 Filed 12-14-95; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 32814]

Gateway Western Railway Company; Trackage Rights Exemption; The Atchison, Topeka and Santa Fe Railway Company

The Atchison, Topeka and Santa Fe Railway Company (ATSF) has agreed to grant limited local trackage rights to Gateway Western Railway Company (GWWR) over approximately 8.3 miles of rail line from milepost 1.7 at Santa Fe Junction in Kansas City, MO, to milepost 10.0 at Morris, KS.¹

GWWR contends that the trackage rights will allow it access to two shippers on ATSF's line in Kansas City, KS. Accordingly, those two shippers will obtain additional rail service options and GWWR will have new potential sources of traffic. The trackage rights were to become effective on December 1, 1995.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false

or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission² and served on: Thomas J. Litwiler, Oppenheimer Wolff & Donnelly, Two Prudential Plaza, 45th Floor, 180 North Stetson Avenue, Chicago, IL 60601.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: December 8, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95-30561 Filed 12-14-95; 8:45 am]

BILLING CODE 7035-01-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 94-30]

Harold R. Schwartz, M.D.; Denial of Application

On March 2, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Harold R. Schwartz, M.D., (Respondent) of Houston, Texas, notifying him of an opportunity to show cause as to why DEA should not deny his application for registration as a practitioner under 21 U.S.C. 823(f), as being inconsistent with the public interest. Specifically, the Order to Show Cause alleged that:

(1) In February 1992, a DEA audit of a Houston area pharmacy, and a subsequent review of prescription records, revealed that in 1991 and early 1992, the Respondent routinely prescribed combinations of Tylenol with codeine, Valium, and Phenergan with codeine, to numerous individuals when he knew or should have known that the combination of these drugs was highly abused on the streets.

(2) On March 24, April 7, and April 21, 1992, the Respondent prescribed 24 Tylenol No. 4 and 18 Valium 10 mg. to an undercover officer for no legitimate medical reason.

(3) Following the execution of a Federal search warrant at the Respondent's office of July 7, 1992, the Respondent voluntarily surrendered his DEA Certificate of Registration, AS0873198, as well as his State of Texas Controlled Substances Registration Certificate. However, on February 1, 1993, his Texas Controlled Substances Registration Certificate was reinstated.

On March 31, 1994, the Respondent, through counsel, filed a timely request for a hearing, and following prehearing procedures, a hearing was held in Houston, Texas, on November 9, 1994, before Administrative Law Judge Mary Ellen Bittner. At the hearing both parties called witnesses to testify and introduced documentary evidence, and after the hearing, counsel for both sides submitted proposed findings of fact, conclusions of law and argument. On March 2, 1995, Judge Bittner issued her Opinion and Recommended Ruling, recommending that the Respondent's application be denied. Neither party filed exceptions to her decision, and on April 5, 1995, Judge Bittner transmitted the record of these proceedings to the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts, in full, the Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision of the Administrative Law Judge, and his adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact of law.

The Deputy Administrator finds that on January 19, 1993, the Respondent Prepared an Application for Registration under the Controlled Substances Act of 1970 as a practitioner for handling controlled substances in Schedules II through V. The Respondent has practiced medicine in Houston, Texas, since 1951. At the hearing before Judge Bittner, the Respondent testified that he maintained a solo practice in internal medicine consisting mostly of poor patients, some of whom were covered by Medicare or Medicaid. The Respondent further stated that his wife had died in 1987, and that he resided with his son, who suffered from panic disorder and was unable to leave home.

¹ On December 1, 1995, GWWR filed a corrected statement with regard to the milepost markers and the approximate total mileage involved in this transaction. This notice includes the updated figures.

² Legislation to sunset the Commission on December 31, 1995, and transfer remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address.